

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants:	Scharninghausen et al.	Confirmation No.:	5252
Serial No.:	10/774,352		
Filed:	February 6, 2004		
Examiner:	Maria Veronica Ewald		
Art Unit:	1722		
Title:	PORTIONING DEVICE FOR FOODSTUFFS		
Attorney Docket:	ESN-45		

Cincinnati, OH 45202

September 14, 2007

Mail Stop Amendment
Commissioner for Patents
P. O. Box 1450
Alexandria, VA 22313-1450

RESPONSE UNDER 37 CFR § 1.111

Sir:

This Response is responsive to the non-final Office Action mailed on June 14, 2007. Claims 1-5 and 8-17 are pending. In view of the following remarks, Applicants respectfully submit that this application is in complete condition for allowance and request reconsideration of the application in this regard.

Claim Rejections under 35 U.S.C. § 102(b)

Claims 1-3, 8, 10, 12-13, and 15 over King

Claims 1-3, 8, 10, 12-13, and 15 stand rejected under 35 U.S.C. § 102(b) as anticipated by U.S. Pat. No. 3,857,989 to King (hereinafter *King*). Of the rejected claims, claims 1 and 13 are the sole independent claims. The Examiner contends that *King* shows or teaches all the elements of the rejected claims. Applicants respectfully traverse the Examiner's contention.

King teaches a device and a method for preparing an animal food product. The animal food including bones is loaded onto the hopper 26 from which a chute 27 leads to an interior space 13 of a plunger 14. A rotary slicer 29 and a driven chopper 28 are located in the path of the chute 27. Under the influence of gravity, the animal food moves down the chute 27 into the interior space 13. In route to the interior space 13, the animal food moves against the rotary slicer 29 and against the driven chopper 28, where the animal food is cut into coarsely sized